

AMENDED IN ASSEMBLY AUGUST 18, 2000

AMENDED IN ASSEMBLY AUGUST 14, 2000

AMENDED IN ASSEMBLY JULY 3, 2000

AMENDED IN ASSEMBLY JUNE 19, 2000

AMENDED IN ASSEMBLY MAY 15, 2000

AMENDED IN SENATE JANUARY 11, 2000

AMENDED IN SENATE JANUARY 3, 2000

AMENDED IN SENATE JUNE 23, 1999

AMENDED IN SENATE MAY 18, 1999

AMENDED IN SENATE MAY 6, 1999

## SENATE BILL

**No. 1293**

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### **Introduced by Senator Chesbro**

(Principal coauthors: Assembly Members Granlund and  
Wiggins)

(Coauthor: Assembly ~~Member Calderon~~) *Members Baugh  
and Calderon*)

February 26, 1999

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An act to add Section 25241 to the Business and Professions Code, relating to alcoholic beverages.

#### LEGISLATIVE COUNSEL'S DIGEST

SB 1293, as amended, Chesbro. Alcoholic beverages: Napa Valley Wine.

Under existing law, the Department of Alcoholic Beverage Control regulates the licensing, enforcement, and administration of the alcoholic beverage control laws.

This bill would prohibit the use of wine that is produced, bottled, labeled, offered for sale, or sold in this state if the wine uses a brand name or appellation that suggests that the wine is made from grapes grown in the Napa Valley unless the wine qualifies for Napa Valley or Napa County appellation of origin.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 25241 is added to the Business  
2 and Professions Code, to read:

3 25241. (a) (1) The Legislature finds and declares  
4 that for more than a century, Napa Valley has been widely  
5 recognized for producing grapes and wine of the highest  
6 quality. Both consumers and the wine industry  
7 understand the name Napa County and the viticultural  
8 area appellations of origin contained within Napa County  
9 (collectively “Napa appellations”) as denoting that the  
10 wine was created with the distinctive grapes grown in  
11 Napa Valley.

12 (2) The Legislature finds, however, that certain  
13 producers are using Napa appellations on labels, on  
14 packaging materials, and in advertising for wines that are  
15 not made from grapes grown in Napa Valley, and that  
16 consumers are confused and deceived by these practices.

17 (3) The Legislature further finds that legislation is  
18 necessary to eliminate these misleading practices. It is the  
19 intent of the Legislature to assure consumers that the  
20 wines produced or sold in the state with brand names,  
21 packaging materials, or advertising referring to Napa  
22 appellations in fact qualify for the Napa Valley or Napa  
23 County appellation of origin.

24 (b) No wine produced, bottled, labeled, offered for  
25 sale or sold in California shall use, in a brand name or  
26 otherwise, on any label, packaging material, or  
27 advertising, any of the names of viticultural significance



1 listed in subdivision (c), unless that label, packaging  
2 material, or advertising includes, and the wine qualifies  
3 under Section 4.25a of Title 27 of the Code of Federal  
4 Regulations for either of the following:

5 (1) A viticultural area appellation of origin that is  
6 located entirely within Napa County, subject to  
7 compliance with Section 25240.

8 (2) The appellation of origin Napa County.

9 Notwithstanding the above, this subdivision shall not  
10 grant any labeling, packaging, or advertising rights that  
11 are prohibited under federal law or regulations.

12 (c) The following are names of viticultural  
13 significance for purposes of this section:

14 (1) Napa.

15 (2) Any viticultural area appellation of origin  
16 established pursuant to Part 9 (commencing with Section  
17 9.1) of Title 27 of the Code of Federal Regulations that is  
18 located entirely within Napa County.

19 (3) Any similar name to those in paragraph (1) or (2)  
20 that is likely to cause confusion as to whether the *origin*  
21 *of the* wine is ~~from~~ an area identified in paragraph (1) or  
22 (2) *of subdivision (b)*.

23 (d) The appellation of origin required by this section  
24 shall meet the legibility and size-of-type requirements set  
25 forth in either Section 4.38 or Section 4.63 of Title 27 of the  
26 Code of Federal Regulations, whichever is applicable.

27 (e) Notwithstanding subdivision (b), any name of  
28 viticultural significance may appear either as part of the  
29 address required by Sections 4.35 and 4.62 of Title 27 of  
30 the Code of Federal Regulations, if it is also the post office  
31 address of the bottling or producing winery or of the  
32 permittee responsible for the advertising, or as part of any  
33 factual, nonmisleading statement as to the history or  
34 location of the winery.

35 (f) The department may suspend or revoke the license  
36 of any person who produces or bottles wine who violates  
37 this section. Following notice of violation to the person in  
38 possession of the wine and a hearing to be held within 15  
39 days thereafter, if requested by any interested party  
40 within five days following the notice, the department

1 may seize wine labeled or packaged in violation of this  
2 section regardless of where found, and may dispose of the  
3 wine upon order of the department. From the time of  
4 notice until the departmental determination, the wine  
5 shall not be sold or transferred.

6 (g) This section applies only to wine which is  
7 produced, bottled, or labeled after January 1, 2001.

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